MEMBERS PRESENT:
Jeff Burrows
Roger De Haan
Wayne Chilcote
Katie Scholl
Mick Turner

Members Absent:
None.

STAFF PRESENT:
Chris Taggart, minutes
Angelia Allen, PHN
John Palacio, RCEH
Carol Calderwood, Health Officer
Kelley Arnold, RCEH

STAFF Absent:
Lyndsay Stover, MTUPP

Guests Present:
James Cotton
Janene Cotton
Garrick Grover
Mr. Grover

The meeting was called to order at 3:00 PM by Chairman Jeff Burrows

I. August 08, 2018 draft minutes
Roger moved to approve the August 08, 2018 minutes as corrected. Seconded by Katie. 
Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

II. August 28, 2018 Special Meeting draft minutes
Roger moved to approve the August 28, 2018 minutes as amended. Seconded by Katie. 
Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

III. CORRESPONDENCE:
John provided a hand out regarding Ober.

IV. AMENDMENTS TO THE AGENDA:
None.
V. DEPARTMENT REPORTS:

Health Officer: Dr. Carol Calderwood
Carol handed out the 2017-2018 Influenza summary, which was a bad year. 10,500 documented cases, 1,000 hospital visits and 79 deaths which included 1 child. Ravalli County had 404 confirmed cases. September through May, with the peak occurring February. The Flu vaccine is now available.

Public Health Nurse: Angie Allen
There was a couple of flu outbreaks in one nursing home (same one twice), with 1-2 deaths associated with those outbreaks. She is working with a nursing student at the nursing home on a prevention plan for the facility. In August, her office did a big push for child safety and gave out over 100 gun locks. They also held two car seat events. The office is currently searching for a new nurse.

RCEH: John Palacio
John handed out the monthly office stats. Relatively slower than May, June and July. The office did lose their administrative assistant, but a new person starts Monday. The fair came and went and there were no complaints on food safety issues. There are 3-4 properties still being monitored in Corvallis. The office did receive one major subdivision submittal for the Stevensville area. MDEQ will review that subdivision. The Montana Environmental Health Association conference will be next week and he is sending 2 staff members. John briefly reviewed the Trel Sidorik issue and said the consensus was that Trel find something on the parcel in the way of a system to use in order for RCEH to review for a replacement system. The office does have an open sanitarian position in office.

Tobacco Coordinator Report: Lyndsay Stover (arrived at 3:55 PM)
She explained that she is partnering with the DUI task force on a Rapp grant application and she will start visiting school districts next month.

VI. OLD BUSINESS:

1. Replacement Guideline/Policy Statement of Policy – John P
   Schedule a special meeting: September 26, 2018 at 3:00 PM.

2. Draft Preliminary MOU - review
   Schedule a special meeting: September 26, 2018 at 3:00 PM.

VII. NEW BUSINESS:

1. Grover Fine Assessment – construction started without a septic permit
   John pointed out two amendments to his staff report: strike #5 and non deg did pass. He then gave a brief history and showed pictures. Mick asked why the walls were poured. Garrick Grover explained he did not know the rules and has built over 50 houses since 2001. Mr. Grover said typically you get the well and septic permits prior to construction. When his son started the house
construction, he spoke with him about it. They did not go in that order due to them having a break in their schedule. Then he found out that construction should not have been started prior to septic permit being issued. Mick explained the history of issues of starting construction prior to a septic permit being issued. Mr. Grover said they felt confident and were willing to take their own risk. Katie said this rule has been in place since 1972 and by now he should have figured this out. Garrick explained that property owners normally pull septic permits for his construction jobs. He was never told, even by Dan Hooten, that he did not need a septic permit prior to starting up construction. He then explained that when you read the language on the website versus the permit application, he thought he needed a septic permit before he starts working on septic system not construction on the house.

Jeff stated that the box on the application was checked stating that a site evaluation does not constitute permit issuance. Garrick again stated that the forms on the website are not the same.

Mr. Grover said they have a really good record and never been guilty of anything and they do go by standards. This is a total mistake. Not our intent.

Jeff said regardless, they violated the permit requirement regulation. John said point of contention is that the site evaluation was done AFTER construction of building was started.

Findings of fact:
1. The Violation started on August 27, 2018
2. Non deg analysis was completed September 10, 2018 and the septic permit could have been issued that day.
3. Site evaluation was done on August 30, 2018.
4. There has not been any construction since August 30, 2018.
5. The septic permit application was completed and paid for on August 29, 2018.
6. The site evaluation, permit and non deg analysis were all paid for on August 29, 2018
7. The septic installation permit has not been issued, until after BOH meeting September 12, 2018.
8. Violation fine time line August 27, 2018 through August 30, 2018 (once discovered, to once stopped).
9. Mr. Grover is the property owner, Garrick Grover is contractor, as of today (Garrick will own lot and home in future).
10. Garrick has previously built homes in Ravalli County.

Mick moved to assess a fine to the owner/building for 3 days at $1500.00 per day for a total of $4,500.00. Seconded by Katie. Public comment on motion: Garrick thinks this is ridiculous. There is no environmental damage and there was no intention to skirt the process. He had a receipt at 9:29 AM on August 29, 2018. This is beyond him. How this would go for 3 days instead of 2 days, is not right. Mick said Garrick checked the box on the form. Garrick said it seems he is being held liable for the time that the water non deg sample was being tested. Katie explained the time line which has nothing to do with non deg testing time. Garrick again said the website language is different than the form. He works with Missoula all the time and they are great to work with and he has never been fined. If he built a house and for some reason the septic testing did not pass, that is his risk. It seems like a very stiff fine for a simple mistake he made.
Discussion: Roger feels it is a stiff fine as well. He thinks this mistake would not be made again and would be ok with a 1 day fine. Jeff thinks we, BOH, need to come up with a rational, based upon the findings of fact for fines. Roger said these folks did not willfully do something wrong. Increasing the fine will not make them more aware of the problem. Location is in a high dry area. Katie feels 3 days is required as any contractor is held to a higher standard and Garrick admitted he has built in both Ravalli County and Missoula. Garrick should have researched regulations and requirements within Ravalli County before he started building. Wayne agrees with Katie to fine 3 day and said 10 days would be too much. Jeff will vote against 3 days and stated that 2 days can be justified based upon the date of the permit. 1 day is arbitrary. Mick asked why 2 days. Jeff explained the second day is when Garrick came in and paid for. Jeff asked Garrick if was willing to agree to a 2 day fine. Garrick was not happy with any fine but did agree to the two day fine. Mick reiterated the form said with or without payment “This is not an installation permit”. Katie said the date is very clear that on August 29, 2018 is when Garrick signed and checked the site evaluation form. Garrick again said he thought that the site evaluation referred to construction of the septic not the building. Garrick said he would have never made this mistake if he was hired to build a house for someone else. VOTE: Wayne, Roger and Jeff Voted “nay”; Katie and Mick voted “aye”; motion failed (3-2).

Roger moved to fine the Grover’s for 2 days at $1,500.00 a day, for a fine total of $3,000.00. Seconded by Wayne. Public comment on motion: none. Discussion: none. VOTE: Roger, Jeff and Wayne voted “aye”; Katie and Mick voted “nay”; motion passed (3-2).

2. Voth Complaint – Treece Gulch Road, Hamilton
John explained history per staff report. The property did have a period of being in compliance and then went back into non-compliance. There are two new RV’s being used as residences and paying small fee for using facilities inside the house, along with two mobile homes which are not occupied. John is proposing the issuance of a compliance order.

Public comment:
Jim Cotton
Janine Cotton

Mr. Cotton stated that his property is contiguous to the Voth property. He handed out pictures as of today.

John proposed the issuance of a compliance order.

Katie moved to issue a compliance order with a deadline to comply by of October 01, 2018. Seconded by Roger. Public comment on motion: Jim Cotton asked about removal of both RV’s and said owner will skate the law and request extensions after extensions and the 2 RV’s are bootlegging off the system which is probably decrepit and inadequate. Jeff explained statutory limits of BOH. Discussion: Katie said we have to start somewhere. Roger said a lot of people own RV’s. John explained the compliance issuance to Mr. Cotton. All voted “aye” (5-0).

3. Powell Complaint – Marcus Street, Hamilton
John explained history per his letter. The complaint is regarding junk vehicles and septic system. He visited with the occupant on August 28, 2018. The septic issued is for 2 bedroom 2 people
system per a Board of Health variance. There are currently four people living in the house, occupying four bedrooms; Donna's daughter lives in a motor home located in the back of the Property, and has been there for approximately 3 years; Two people live in a school bus located in the back of the Property, and has been there for approximately 2 years; One person uses an RV intermittently as a residence; The two occupants of the bus use the house for bathroom facilities; Donna's motor home is taken to Angler's Roost or Black Rabbit to dump wastewater or a septic pumper comes to the property to pump it; and the vehicles located in the front of the Property did not meet the definition of junk vehicles as they are not wrecked, ruined, or dismantled. John spoke with the property owner (Marlin Powell) on September 10, 2018 and he did receive RCEH’s letter. Mr. Powell said he would email John to provide a plan of compliance on September 10th. Email was never received.

John proposed the issuance of a compliance order.

**Mick moved to issue a compliance order with a deadline to comply of October 01, 2018. Seconded by Katie.** Public comment: none. Discussion: none. All voted “aye” (5-0).

4. Ober Complaint – failed septic system
John handed out Kelly Arnold’s narrative. Kelly gave a brief history. John asked BOH for a date for a compliance order for a failed septic system. Obers were informed that they could apply for a USDA grant to get system corrected. To date, no correspondence stating that the Obers have applied has been submitted. Mick said this has been going on for four months and he thinks that is a public health emergency. Katie asked Kelly to get the grant forms and take them to the Obers. Kelly did speak with USDA grant contact person and she (USDA contact) has been waiting to hear from Obers. Mick asked why BOH is just now seeing this. John said RCEH has been working with owners far beyond and takes full responsibility. Mick said there is open sewage and that is a big problem. Discussion ensued.

**Roger moved to issue a compliance order with a compliance deadline of October 01, 2018 for completion of a replacement system. Seconded by Katie.** Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

VIII: PUBLIC COMMENT:
None.

IX. NEXT MEETING:
Special meeting September 26, 2018 at 3:00 PM
Regular meeting October 10, 2018 at 3:00 PM

X. ADJOURNMENT:
Wayne moved to adjourn the meeting at 5:09 PM. Seconded by Mick. All voted “aye” (5-0).